

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
NOV 27 2023
AT _____ O'CLOCK _____
John M. Domurad, Clerk - Plattsburgh

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Jose MENDOZA,)

Defendant.)

Case No. 8:23-MJ-690 (GLF)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of November 23, 2023, in the county of Franklin in the Northern District of New York the defendants violated:

Code Section
8 U.S.C. § 1324(a)(1)(A)(v)(I)

Offense Description
Conspiracy to commit alien smuggling by, knowing and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, the defendants did conspire to transport, move and attempt to transport and move, three aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

 11/24/2023 3:15 PM
Complainant's signature

U.S. Border Patrol Agent Dylan J. Thomas

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: Nov. 27, 2023


Judge's signature

City and State: Plattsburgh, New York

Hon. GARY L. FAVARO, U.S. Magistrate Judge

Printed name and title

Continuation Sheet, United States v. Jose MENDOZA.

This criminal complaint is based on the following facts:

On November 23, 2023, at approximately 6:15 a.m., day shift Border Patrol Agents were advised by midnight shift agents that three individuals were observed crossing southbound from Canada into the United States north of Shee Woods Road in Chateaugay, New York, in the Northern District of New York.

Agents responded and observed headlights westbound on McCormick Road. McCormick Road is located south of Shee Woods Road and is an East/West road that also parallels the U.S./ Canada international boundary. It is a common pickup location for people illegally crossing the border southbound into the United States from Canada due its proximity to the Border, remoteness, and easy access to main routes of egress.

After several minutes surveilling the area, agents observed a gray Nissan Sentra as it sat near the stop sign for approximately 10-15 minutes. The vehicle then quickly turned southbound onto County Route 52 and then abruptly turned around and went back down McCormick Road. The vehicle then slowed to a stop near a known non-citizen pickup location for approximately one minute and then backed up a short distance and stopped for approximately 30 seconds. At this time, the Nissan Sentra then began traveling eastbound on McCormick Road towards Earlville Road.

At 6:58 a.m., agents conducted an immigration stop on the 2021 gray Nissan Sentra bearing NY license plate KVS-9764 on Earlville Road, just south of the Douglas Road intersection. Agents identified themselves as U.S. Border Patrol Agents and questioned the individuals as to their immigration status in the United States. The driver, later identified as MENDOZA, Jose, stated "we were in the area looking for a McDonald's." The front seat passenger, later identified as GUERRERO, Kevin Enrique, claimed to be a U.S. citizen. Agents then observed two males and one female sitting in the back seat, one of whom was Alejandro RAMOS-LEON. The driver and front seat passenger both claimed that they did not know the three people in the back seat of their vehicle. All three rear passengers admitted to being citizens of Mexico who had just entered the U.S. illegally from Canada and who were not in possession of any immigration documents that would allow them to enter, remain or pass through the U.S. legally. The three subjects in the back seat were wet from their knees down with forest debris on their clothes, while the driver and front seat passenger were dry and clean in appearance.

At that time, the driver and all four passengers were placed under arrest and transported to the Burke Border Patrol Station for further records checks, interviews, and processing.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all five subjects. Record checks confirmed information previously gathered roadside.

GUERRERO was read his *Miranda* rights, waived them, and agreed to answer questions without a lawyer present. In his interview, GUERRERO stated that he and the driver were on their way to Niagara Falls, but somehow ended up in Chateaugay. GUERRERO claimed that, while in Chateaugay, they saw three individuals walking and felt sorry for them, so they offered them a ride.

RAMOS-LEON was read his *Miranda* rights, waived them, and agreed to answer questions without a lawyer present. RAMOS-LEON also gave verbal, and written consent to search his phone. RAMOS-LEON claimed to have made arrangements with an unknown smuggler in Canada. He claimed that he paid \$500 to the driver that drove him to the Canada/ US border on the Canadian side. RAMOS-LEON further claimed that when he arrived at the "pick up location," there was a vehicle there. RAMOS-LEON stated that the driver of the vehicle was hurrying them to get inside when they opened the door. RAMOS-LEON claimed that the driver was surprised

Continuation Sheet, United States v. Jose MENDOZA.

that there were three individuals instead of two, which he had expected. RAMOS-LEON stated that the driver and front seat passenger only spoke to him in English to him as he entered the vehicle.